



# Snake River Alliance

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September 5, 2001

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The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

FACSIMILE - 202-586-4403

Dear Secretary Abraham:

On behalf of the membership of the Snake River Alliance Education Fund, I object to the lack of proper, reasonable notice and opportunity for hearing on the DOE's site recommendation of Yucca Mountain as a national high-level nuclear waste repository.

Only last Friday, Aug. 31, did we receive by mail in Boise, Idaho, a CD copy of the document, *Yucca Mountain Preliminary Site Suitability Evaluation*, upon which comment is invited, along with a copy of the Aug. 21 *Federal Register* notice announcing hearings today in Las Vegas, which I understand have been relocated without sufficient notice. I also note that additional hearings have been set for next week at Armagosa [sic] Valley and Pahrump. The least the department could do is to spell correctly the name of the nearest community to the site, the community that is most at risk from the Yucca Mountain project.

With less than 30 days for any interested person to read a 370 page technical report, your agency announced it was holding public hearings on the site recommendation in Nevada between September 5th and 13th. Notice for these hearings provided is totally inadequate. For persons like our members, who will be affected by the requisite transportation of high-level nuclear waste through their communities via rail and road, your agency has provided no opportunity to comment on the suitability of the recommendation. A few meetings in Nevada does not come close to providing an opportunity for public hearing on a project of this magnitude and immense potential danger to those on transportation routes throughout the county.

It is clear that the notice provided was defective not only for being absurdly short but for providing notice to meet at a place, canceling that site, then providing another site with an incorrect address. Moreover, your agency provided that final notice of the meeting at the wrong address on August 31st, the beginning of the long Labor Day weekend, less than five days to the meeting including the intervening weekend and holiday.

Finally, the notices your agency published in the *Federal Register* on August 21, 27 and 31 do not clearly notify interested persons that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository. Persons reading the notice are given the impression that these are merely hearings on the preliminary site suitability evaluation. Even then, your provision of less than 30 days notice from the availability of the 370 page evaluation

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and the few hearings in Nevada make it impossible for ordinary citizens to have any meaningful participation in such meetings. The notice was absurdly short even to arrange one's schedule to attend, too far away from most persons who are interested due to being on the high-level nuclear waste transportation routes, too little time to acquire and assimilate the substance of the 370-plus page evaluation of the site, and completely defective due to the errors mentioned above.

No matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment protections require that persons such as ourselves must have at least reasonable notice and an opportunity to be heard on a decision such as this one, a decision with vast repercussions and grave potential dangers. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance. We are certain you have violated our rights and those of the citizens of Nevada.

We call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all persons who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository.

Sincerely,



Gary E. Richardson  
Executive Director

cc: Lake Barrett, Acting Director  
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